



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Applicant : Frank Check  
Application Serial No.: 10/730,874  
Filing Date: : December 9, 2003  
Title: METHOD OF AND SYSTEM FOR DETECTING AND  
CORRECTING MODE SWITCHING IN DIFFRACTIVE-  
BASED LASER SCANNING SYSTEMS  
Examiner : Que Tan Le  
Group Art Unit : 2878  
Attorney Docket No. : 108-028USANA0

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

**TERMINAL DISCLAIMER (37 CFR 1.321(b))**

SIR:

Your Petitioner, Metrologic Instruments, Inc., a corporation of New Jersey, represents that it is the sole owner of the entire interest of the above-identified application.

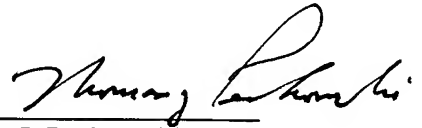
Your Petitioner hereby disclaims the terminal period of any patent issuing on the above-referenced application that would extend beyond the expiration of the full statutory term of any patent that could issue from U.S. Patent No. 6,686,586, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to such patent is the same as the legal title to any patent that could issue from U.S. Patent No. 6,686,586, and that this agreement shall run with any patent so granted on the above-referenced application, and shall be binding upon the grantor, its successors, and assigns.

Your Petitioner does not disclaim any terminal part of any patent granted on the above-referenced application prior to the expiration date of the full statutory term of any patent that could issue from U.S. Patent No. 6,686,586 in the event that such patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F. R. Section 1.321(c); has all claims canceled by a reexamination certificate; or is otherwise terminated prior to the expiration of its full statutory term, except for a separation of legal title as stated above.

This Terminal Disclaimer is being signed under the provisions of 37 C.F.R. Section 1.321(b)(1)(iv). Enclosed in payment of the requisite fee of \$130.00 is Thomas J Perkowski, Esq. PC Check No. 5590. The Commissioner is hereby authorized to charge any fee deficiencies to Deposit Account 16-1340.

Respectively submitted,

Dated: April 18, 2006

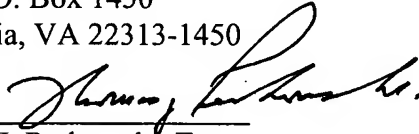


Thomas J. Perkowski, Esq.  
Reg. No. 33,134  
Attorney for Applicant  
Thomas J. Perkowski, Esq., P.C.  
Soundview Plaza  
1266 East Main Street  
Stamford, Connecticut 06902  
203-357-1950  
<http://www.tjpatlaw.com>

CERTIFICATE OF FIRST CLASS MAIL  
UNDER 37 CFR 1.08

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P.O. Box 1450  
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Thomas J. Perkowski, Esq.  
Dated: April 18, 2006



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Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

**CERTIFICATE UNDER 37 C.F.R §3.73(b)**

SIR:

Metrologic Instruments, Inc., a corporation of New Jersey, certifies that it is the Assignee of the entire right, title, and interest in the patent application identified above, as well as of U.S. Patent No. 6,686,586, by virtue of the Assignment recorded in the USPTO on August 27, 2001 at Reel 12115 and Frames 894-898. Copies of the Assignment documents are enclosed herewith.

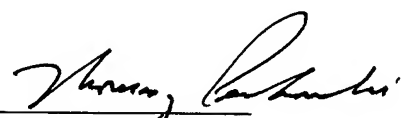
The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the Assignee identified above.

The undersigned, whose title is supplied below, is empowered to act on behalf of the Assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectively submitted,

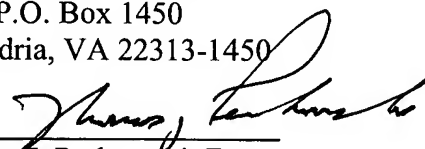
Dated: April 18, 2006

  
Thomas J. Perkowski, Esq.  
Reg. No. 33,134  
Attorney for Assignee of Record  
Thomas J. Perkowski, Esq., P.C.  
Soundview Plaza  
1266 East Main Street  
Stamford, Connecticut 06902  
203-357-1950  
<http://www.tjpatlaw.com>

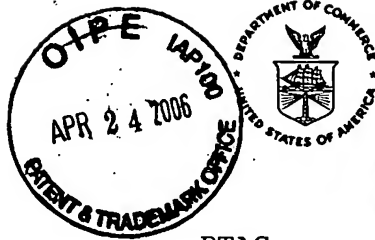
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Thomas J. Perkowski, Esq.

Dated: April 18, 2006



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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NOVEMBER 01, 2001

PTAS

THOMAS J. PERKOWSKI, ESQ., P.C.  
JAY P. SBROLLINI, ESQ.  
1266 EAST MAIN STREET  
SOUNDVIEW PLAZA  
STAMFORD, CONNECTICUT 06902



\*101830477A\*

**UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/27/2001

REEL/FRAME: 012115/0894  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
CHECK, FRANK

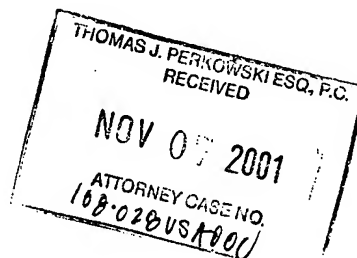
DOC DATE: 08/04/2001

ASSIGNEE:  
METROLOGIC INSTRUMENTS, INC.  
90 COLES ROAD  
BLACKWOOD, NEW JERSEY 08012

SERIAL NUMBER: 09816642  
PATENT NUMBER:

FILING DATE: 03/23/2001  
ISSUE DATE:

TONYA LEE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



# BEST AVAILABLE COPY

Attorney Docket: 108-028USA000

## PATENT ASSIGNMENT

For value received I, Frank Check, hereby sell, assign and transfer to Metrologic Instruments, Inc., a corporation of New Jersey, having a place of business at 90 Coles Road, Blackwood, New Jersey, 08012, as assignee, and its successors, assigns and legal representatives, the entire rights, title and interest, for all countries in and to certain inventions disclosed in U.S. Application Serial No. 09/816,642 entitled "METHOD OF AND SYSTEM FOR DETECTING AND CORRECTING MODE SWITCHING IN DIFFRACTIVE-BASED LASER SCANNING SYSTEMS", filed March 23, 2001, for Letters Patent of the United States, and all the rights and privileges under any and all Letters Patent that may be granted therefor.

I request that any and all patents for said invention be issued to said assignee, its successors, assigns and legal representatives, or to such nominees as it may designate.

I agree that, when requested, I will, without charge to said assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in said assignee, its successors, assigns and legal representatives or nominees.

I authorize and empower said assignee, its successors, assigns and legal representatives or nominees, to invoke and claim for any application for patent or other form of protection for said invention filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from me.

I hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in any country for any purpose and more particularly in proof of the right of the said assignee or nominee to claim the aforesaid benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it.

I covenant with said assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that I have full right to convey the same as herein expressed.

Patent Assignment in favor of  
Metrologic Instruments, Inc.  
USSN: 09/816,642

Signed at San Jose, California  
this 4 of August, 2001.

Frank Check (L.S.)  
Frank Check

State of California                    )  
  ) ss:  
County of Santa Clara                )

This day before me personally appeared FRANK CHECK, who acknowledged the foregoing instrument and subscribed by him to be his free act and deed.

Wendy Ahearn  
Notary Public

